

Michael C. Wenzel, State Bar No. 215388
Mika J. Frisk, State Bar No. 305139
BERTRAND, FOX, ELLIOT, OSMAN & WENZEL
2749 Hyde Street
San Francisco, California 94109
Telephone: (415) 353-0999
Facsimile: (415) 353-0990
Email: mwenzel@bfesf.com
mfrisk@bfesf.com

Attorneys for Defendants
SEQUOIA UNION HIGH SCHOOL DISTRICT,
STEPHEN EMMI and NICK MUYS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

K.C., by and through his Guardian ad Litem,
MYISCHA THOMPSON; D.B., by and through
his Guardian ad Litem, LIBRA WHITE,

Plaintiffs,

v.

TOWN OF ATHERTON, a municipal
corporation; DAVID METZGER, individually
and in his official capacity as a police sergeant
for the TOWN OF ATHERTON; DIEGO
ROMERO, individually and in his official
capacity as a police officer for the TOWN OF
ATHERTON; IGOR DAVIDOWICH,
individually and in his official capacity as a
police officer for the TOWN OF ATHERTON;
JOSHUA GATTO, individually and in his
official capacity as a police officer for the
TOWN OF ATHERTON; DIMITRI
ANDRUHA, individually and in his official
capacity as a police officer for the TOWN OF
ATHERTON; SEQUOIA UNION HIGH
SCHOOL DISTRICT, a municipal corporation;
STEPHEN EMMI, individually and in his
official capacity, NICK MUYS, individually
and in his official capacity, and DOES 1-100,
inclusive, individually, jointly, and severally,

Defendants.

Case No. 3:24-cv-00507

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE; [PROPOSED]
ORDER**

Hon. Rita F. Lin

1 Plaintiffs K.C., by and through his Guardian ad Litem, MYISCHA THOMPSON and D.B., by
 2 and through his Guardian ad Litem, LIBRA WHITE (collectively “Plaintiffs”), Defendants SEQUOIA
 3 UNION HIGH SCHOOL DISTRICT, STEPHEN EMMI and NICK MUYS (collectively “District
 4 Defendants”) and Defendants TOWN OF ATHERTON, DIEGO ROMERO, DIMITRI ANDRUHA,
 5 IGOR DAVIDOVICH (erroneously sued as Igor Davidowich), and JOSHUA GATTO (collectively
 6 “Atherton Defendants”), by and through their counsel of record, hereby represent to the Court and
 7 stipulate as follows:

8 1. On April 1, 2024, Plaintiffs filed their First Amended Complaint (“FAC”). The FAC added
 9 SEQUOIA UNION HIGH SCHOOL DISTRICT and NICK MUYS as named defendants to this Action.
 10 (See Docket No. 12.)

11 2. Following service of the FAC on the District Defendants, the District Defendants filed a Motion
 12 to Dismiss the FAC on May 10, 2024. (See Docket No. 20.) The hearing on the Motion to Dismiss was
 13 set for June 25, 2024.

14 3. On June 20, 2024, the Court vacated the June 25, 2024 hearing on the District Defendants’
 15 Motion to Dismiss, indicating that the Motion was submitted without oral argument and that a written
 16 order would be issued on the motion. (See Docket No. 32.) To date, the court has not yet issued a written
 17 order on the pending motion to dismiss.

18 4. The Atherton Defendants, via counsel, were served with Waiver of Service of Summons forms
 19 and documents on April 22, 2024. The Atherton Defendants’ responsive pleading deadline was July 8,
 20 2024.

21 5. On July 8, 2024, Plaintiffs and the Atherton Defendants filed a Stipulation extending the Atherton
 22 Defendants’ responsive pleading deadline from July 8, 2024, to August 19, 2024. (Docket No. 33.)

23 6. Given that the pleadings are unsettled and that the Atherton Defendants have not yet appeared in
 24 this matter, the Parties respectfully stipulate and request that the Initial Case Management Conference,
 25 which is presently set for August 7, 2024, at 10:00 a.m., be continued by 30-60 days to a date that is
 26 convenient for the court.

27 IT IS SO STIPULATED AND AGREED.

1 Dated: July 22, 2024

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

2
3 By: /s/ Mika J. Frisk

4 Michael C. Wenzel

Mika J. Frisk

5 Attorneys for Defendants

SEQUOIA UNION HIGH SCHOOL DISTRICT,

6 STEPHEN EMMI and NICK MUYS

7 Dated: July 22, 2024

Burriss Nisenbaum Curry & Lacy, LLP

8
9 By: /s/ Christopher A. Dean

10 JOHN L. BURRIS

CHRISTOPHER A. DEAN

11 Attorneys for Plaintiffs

K.C., by and through his Guardian ad Litem,

12 MYISCHA THOMPSON, and D.B., by and

through his Guardian ad Litem, LIBRA WHITE

13
14 Dated: July 22, 2024

HAWKINS PARNELL & YOUNG LLP

15
16 By: /s/ Danielle K. Lewis

17 DANIELLE K. LEWIS

MILES F. MAURINO

18 Attorneys for Defendants

TOWN OF ATHERTON, DIEGO ROMERO,

19 DIMITRI ANDRUHA, IGOR DAVIDOVICH

(erroneously sued as Igor Davidowich), and

20 JOSHUA GATTO

ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show their signature on this document as /s/.

Dated: July 22, 2024

By: /s/ Mika J. Frisk

Mika J. Frisk

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

The Initial Case Management Conference, which is presently set for August 7, 2024, at 10:00 a.m., is hereby continued to: _____.

Dated: _____

Honorable Rita F. Lin
United States District Court Judge